

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5457 of 2021

Arising Out of PS. Case No.-340 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

Danish (Male), aged about 24 years, Son of Md. Kyamudin Rayeen, Resident
of Village- Bhabua, Ward No-8, P.S-Bhabua, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the State : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 04-09-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis
of motion slip filed by learned counsel for the petitioner, which
was allowed.

3. Heard Mr. Tribhuwan Narayan, learned counsel for
the petitioner and Mr. Mritunjay Kumar Nirala, learned
Additional Public Prosecutor (hereinafter referred to as the
'APP') for the State.

4. The petitioner apprehends arrest in connection with
Bhabua PS Case No. 340 of 2020 dated 10.06.2020, G.R. No.
1069 of 2020, instituted under Sections 341/323/307/379/427/
504/34 of the Indian Penal Code.

5. As per the FIR, two persons on a motorcycle had



driven over the feet of the informant and upon objection, the petitioner, who was driving the motorcycle had assaulted him with iron weight on the back. It is further stated that after that both the persons had threatened the informant that they would show him when the informant comes to his house and when the informant was going to his house, the petitioner along with 7-5 persons was standing and had surrounded him and had assaulted him with *lathi* and *danda* and the petitioner is said to have assaulted on the head by sharp edged iron weapon resulting in injury.

6. Learned counsel for the petitioner submitted that the injuries have been found to be simple and only with regard to one injury, opinion has been reserved for X-ray, but till date the same has not been submitted. It was further submitted that the parties live in the same locality and have compromised the matter and good relationship has been restored. Learned counsel submitted that peace may be disturbed if the petitioner is made to suffer adverse consequences of the present case. Summing up his arguments, learned counsel submitted that the petitioner does not have any other criminal antecedent.

7. Learned APP submitted that the petitioner has also brutally assaulted the informant and has hit him on the head and



injury report shows that there was injury on the head.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of the fact that the genesis of the occurrence, as per the FIR itself, is of the motorcycle driven by the petitioner running over the feet of the informant and the injury report disclosing simple injury due to assault by the petitioner and 7-5 others as also there being compromise and the parties living in the same locality, as also the petitioner not having any other criminal record and good relations having been restored between the parties, the Court is inclined to allow the prayer for pre-arrest bail.

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in Bhabua PS Case No. 340 of 2020 corresponding to G.R. No. 1069 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the



bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner, and (iii) that the petitioner shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or non-cooperation shall lead to cancellation of his bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

11. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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